

SENATE BILL 572

R7

11r0497

By: **Senators Muse, Benson, Rosapepe, and Young**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2011

CHAPTER _____

1 AN ACT concerning

2 **Raymond Scott Brown II Vehicle Towing Act**

3 FOR the purpose of providing for the statewide application of certain provisions of law
4 governing the towing or removal of vehicles from parking lots; requiring a
5 person who undertakes the towing or removal of vehicles from parking lots to
6 provide certain notice to certain police departments; ~~altering the time frame~~
7 ~~within which a tower is required~~ before towing or removing a vehicle from a
8 parking lot; repealing the requirement for a tower to provide certain notice to
9 certain police departments after towing or removing a vehicle from a parking
10 lot; altering the information that a tower is required to provide to certain police
11 departments after before towing or removing a vehicle from a parking lot;
12 ~~establishing certain methods by which a tower may provide certain notice to~~
13 ~~certain police departments;~~ and generally relating to the towing or removal of
14 vehicles from parking lots.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 21-10A-01 and 21-10A-04
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Transportation
22 Section 21-10A-02, 21-10A-03, 21-10A-05, and 21-10A-06
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2009 Replacement Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Transportation**

5 21–10A–01.

6 (a) In this subtitle, “parking lot” means a privately owned facility consisting
7 of 3 or more spaces for motor vehicle parking that is:

8 (1) Accessible to the general public; and

9 (2) Intended by the owner of the facility to be used primarily by the
10 owner’s customers, clientele, residents, lessees, or guests.

11 (b) (1) This subtitle applies only to the towing or removal of vehicles from
12 parking lots [in Baltimore City or Baltimore County].

13 (2) Nothing in this subtitle prevents a local authority from exercising
14 any power to adopt ordinances or regulations relating to the registration or licensing
15 of persons engaged in the parking, towing or removal, or impounding of vehicles.

16 (c) This subtitle does not apply to an abandoned vehicle as defined in §
17 25–201 of this article.

18 21–10A–02.

19 (a) The owner or operator of a parking lot or the owner’s or operator’s agent
20 may not have a vehicle towed or otherwise removed from the parking lot unless the
21 owner, operator, or agent has placed in conspicuous locations, as described in
22 subsection (b) of this section, signs that:

23 (1) Are at least 24 inches high and 30 inches wide;

24 (2) Are clearly visible to the driver of a motor vehicle entering or being
25 parked in the parking lot;

26 (3) State the location to which the vehicle will be towed or removed;

27 (4) State the hours during which the vehicle may be reclaimed;

28 (5) State the maximum amount that the owner of the vehicle may be
29 charged for the towing or removal of the vehicle; and

1 (6) Provide the telephone number of a person who can be contacted to
2 arrange for the reclaiming of the vehicle by its owner or the owner's agent.

3 (b) The signs described in subsection (a) of this section shall be placed to
4 provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

5 21-10A-03.

6 A vehicle may not be towed or otherwise removed from a parking lot to a
7 location that is more than 10 miles from the parking lot.

8 21-10A-04.

9 A person who undertakes the towing or removal of a vehicle from a parking lot:

10 (1) May not charge the owner of the vehicle or the owner's agent:

11 (i) More than twice the amount of the total fees normally
12 charged or authorized by the political subdivision for the impound towing of vehicles;
13 and

14 (ii) Except as provided in § 16-207(f)(1) of the Commercial Law
15 Article, more than \$8 per day for storage;

16 (2) Shall notify the police department in the jurisdiction where the
17 parking lot is located ~~BY PHONE, FACSIMILE, OR COMPUTER BOTH BEFORE AND~~
18 ~~within [two hours] 1 HOUR after~~ towing or removing the vehicle from the parking lot,
19 and shall provide the following information:

20 (i) A description of the vehicle including the [vehicle's] MAKE,
21 MODEL, registration plate number [and], ~~AND, FOR THE NOTICE MADE WITHIN 1~~
22 ~~HOUR AFTER TOWING OR REMOVING THE VEHICLE,~~ vehicle identification number
23 OF THE VEHICLE;

24 (ii) The date and time the vehicle was towed or removed;

25 (iii) The reason the vehicle was towed or removed; and

26 (iv) The locations from which and to which the vehicle was
27 towed or removed;

28 (3) Before towing or removing the vehicle, shall have authorization of
29 the parking lot owner which shall include:

30 (i) The name of the person authorizing the tow or removal; and

1 (ii) A statement that the vehicle is being towed or removed at
2 the request of the parking lot owner;

3 (4) Shall obtain commercial liability insurance in the amount of at
4 least \$20,000 per occurrence to cover the cost of any damage to the vehicle resulting
5 from the person's negligence;

6 (5) Shall obtain a surety bond in the amount of \$20,000 to guarantee
7 payment of any liability incurred under this subtitle;

8 (6) May not employ individuals, commonly referred to as "spotters",
9 whose primary task is to report the presence of unauthorized parked vehicles for the
10 purposes of towing or removal, and impounding; and

11 (7) May not pay any remuneration to the owner of the parking lot.

12 21-10A-05.

13 If a vehicle is towed or otherwise removed from a parking lot, the person in
14 possession of the vehicle shall:

15 (1) Immediately deliver the vehicle directly to a storage facility
16 customarily used by the person undertaking the towing or removal of the vehicle; and

17 (2) Provide the owner of the vehicle or the owner's agent immediate
18 and continuous opportunity, from the time the vehicle was received at the storage
19 facility, to retake possession of the vehicle.

20 21-10A-06.

21 Any person who undertakes the towing or removal of a vehicle from a parking
22 lot in violation of any provision of this subtitle:

23 (1) Shall be liable for actual damages sustained by any person as a
24 direct result of the violation; and

25 (2) Shall be liable to the vehicle owner for triple the amount paid by
26 the owner or the owner's agent to retake possession of the vehicle.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.